

**IN THE UNITED STATES DISTRICT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

LARRIANTE SUMBRY,

:

Petitioner,

:

vs.

: **CIVIL ACTION 05-00220-CG-L**

CECIL DAVIS,

:

Respondent.

:

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(A) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that this action be and is hereby **DISMISSED** with prejudice for lack of subject matter jurisdiction.

DONE and ORDERED this 7th day of June, 2005.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE